

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SARAH PALIN, an individual,

Plaintiff,

– against –

THE NEW YORK TIMES COMPANY,
a New York corporation,

Defendant.

No. 17 Civ. 4853

Hon. Jed S. Rakoff

ECF Case

PLAINTIFF’S NOTICE OF POST-TRIAL MOTIONS

PLEASE TAKE NOTICE that Plaintiff, Sarah Palin, by her undersigned attorneys, pursuant to Rule 59, *Fed. R. Civ. P.*, moves for a new trial and to set aside and/or vacate the Verdict [Doc. 241] and Final Judgment [Doc. 245], for all reasons for which a new trial has been granted in an action at law in federal court, including, without limitation: prejudicial errors in conducting the trial; failure to follow the Second Circuit’s mandate in *Palin v. New York Times Co.*, 113 F.4th 245, 268, 276-277 and 280 (2d Cir. 2024); erroneous and prejudicial jury instructions; the erroneous and prejudicial submission of issues to the jury; the improper admission of unfairly prejudicial evidence and argument; and that the verdict is seriously erroneous and a miscarriage of justice;¹ and

¹ See e.g. *Raedle v. Credit Agricole Indosuez*, 670 F.3d 411, 417 (2d Cir. 2012); *Manley v. AmBase Corp.*, 337 F.3d 237, 245 (2d Cir. 2003); *Stampf v. Long Island R.R. Co.*, 761 F.3d 192, 203 (2d Cir. 2014); *Pappas v. Middle Earth Condo. Ass’n*, 963 F.2d 534, 540 (2d Cir. 1992); *U.S. v. Kozeny*, 667 F.3d 122, 130 (2d Cir. 2011); *Graham v. City of New York*, 128 F.Supp.3d 681, 692-93 (E.D.N.Y. 2015); *Lee v. City of Troy*, 339 F.R.D. 346, 370 (N.D.N.Y. 2021); *Van Vorst v. Lutheran Healthcare*, 2021 WL 6101474, *3 (2d Cir. Dec. 22, 2021); *Lamb Engineering & Cost. Co. v. Nebraska Public Power Dist.*, 103 F.3d 1422, 1433 (8th Cir. 1997); *Schaafsma v. Morin Vermont Corp.*, 802 F.2d 629, 636-37 (2d Cir. 1986); *Cann v. Ford Motor Co.*, 658 F.2d 54, 58 (2d Cir. 1981); *Palin*, 113 F.4th at 269, 277-278.

PLEASE TAKE FURTHER NOTICE that Plaintiff, Sarah Palin, by her undersigned attorneys, pursuant to Rule 50, *Fed. R. Civ. P.*, renews her motion for judgment as a matter of law on the (1) “of and concerning”; (2) falsity and (3) actual malice elements of her claim [5/21/2025 Trans. at 710-728]; as well as to enforce the Second Circuit’s mandate in *Palin v. New York Times Co.*, 113 F.4th 245, 268, 276-277 and 280 (2d Cir. 2024) (challenged statements are defamatory *per se*), and requests entry as a judgment as a matter of law against Defendants on liability and her entitlement to damages; and jointly requests a new trial as to the issue of damages pursuant to Rules 50(b) and 59 *Fed. R. Civ. P.*; and

PLEASE TAKE FURTHER NOTICE that, pursuant to the Court’s ruling at the telephonic hearing held on May 21, 2025: Plaintiff’s memorandum of law in support of these motions must be filed by the end of **May 27, 2025**; Defendants must file answering papers by the end of **June 30, 2025**; and Plaintiff must file reply papers by the end of **July 10, 2025**.

Dated: May 23, 2025.

/s/ Shane B. Vogt

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CERTIFICATE OF SERVICE

I hereby certify that Plaintiff's Notice of Post-Trial Motions was filed electronically on May 23, 2025. This Notice will be sent by operation of the Court's electronic filing system to counsel of record for all parties as indicated on the electronic filing receipt. Parties and their counsel may access this filing through the Court's system.

/s/ Shane B. Vogt
Attorney